

Public Notice

U.S. Army Corps of Engineers, Norfolk District

March 19, 2008

CENAO-REG
06-v2998/NAO-2008-00854

FEDERAL PUBLIC NOTICE

The District Commander has received a joint application for Federal and State permits as described below:

APPLICANT

Perkins Creek Home Owners Association
c/o Dennis Durette, President
Post Office Box 562
Urbanna, Virginia 23175

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Perkins Creek and its confluence with the Rappahannock River, near the Town of Urbanna, County of Middlesex, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to maintenance dredge (hydraulically) approximately 6,700 cubic yards of sand and silt to a depth of 3.5' mean low water. Perkins Creek was hydraulically dredged, under Corps of Engineers authorization, in 1992 and the dredged material was pumped into an upland dredged material management area. That upland area is no longer available so the dredged material is proposed to be pumped to a combined upland and sub-tidal site located at the end of VSH 615 at the confluence of Robinson Creek and the Rappahannock River. The sand portion of the dredged material, from the confluence of Perkins Creek and the river, will be pumped to the sub-tidal portion of that site to create approximately 2.1 acres of beach creation. The placement of pumped sand is expected to convert 52,000 square feet of sub-tidal area to beach/inter-tidal area. The remaining portion, approximately 40,000 square feet of the proposed fill area, will be graded down to the sub-tidal elevation. The entire 2.1 acres of sub-tidal area will be confined by a sediment curtain while pumping and grading. The silty portion of the dredged material, from within Perkins Creek, will be pumped to the upland portion site into (4) 200' synthetic bags. No vegetated or sub-aquatic vegetation is expected to be adversely affected by the proposed dredging and/or placement of the dredged material

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: elirons@deq.virginia.gov.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The site for the proposed dredging waterway, Perkins Creek, is a tidal tributary to the Rappahannock River. It is just upstream of Urbanna Creek and is located at the upstream most limits for EFH in the Rappahannock River (see EFH map #42). However, the map lists Essential Fish Habitat (EFH) for the Yellowtail & Summer Flounder, Bluefish, King & Spanish Mackerel, Cobia, Red Drum, and Sandbar Shark. Life stages of the 8 species may use the area. The habitat for this project is best described as sub-tidal. The proposed maintenance dredging area and the proposed beach creation site is sub-tidal. The proposed project is fully described in Proposed Work and Purpose, above. The proposed maintenance dredging is expected to have only short term impacts to water turbidity in the areas of the dredging and filling. This impact is expected to

persist only during the period of dredging and filling then subside subsequent to its completion. The 2.1-acre area proposed for the placement sandy dredge material (hydraulically pumped) is expected to convert approximately 52,000 square feet of sub-tidal area to beach and inter-tidal area. The remaining 40,000 square feet will be sloped to mean low water elevation. The entire beach fill site is to be encircled with a turbidity curtain to limit water quality impacts to the site. Any turbidity, however, is expected to subside upon completion of the pumping and grading. The placement of the sand is considered to be a long term conversion of sub-tidal area to a combined mosaic of beach, inter-tidal, and sub-tidal zones. A permit condition will be used to require the newly created inter-tidal area to be sprigged with Spartina alterniflora and the beach area to be sprigged with Spartina patens, and Ammophila breviligulata subsequent to the finish grades being set. All plantings will be at appropriate elevations for each species and on 18" centers. Since the site is at the upstream most location of the Rappahannock River EFH, our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and, therefore, expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

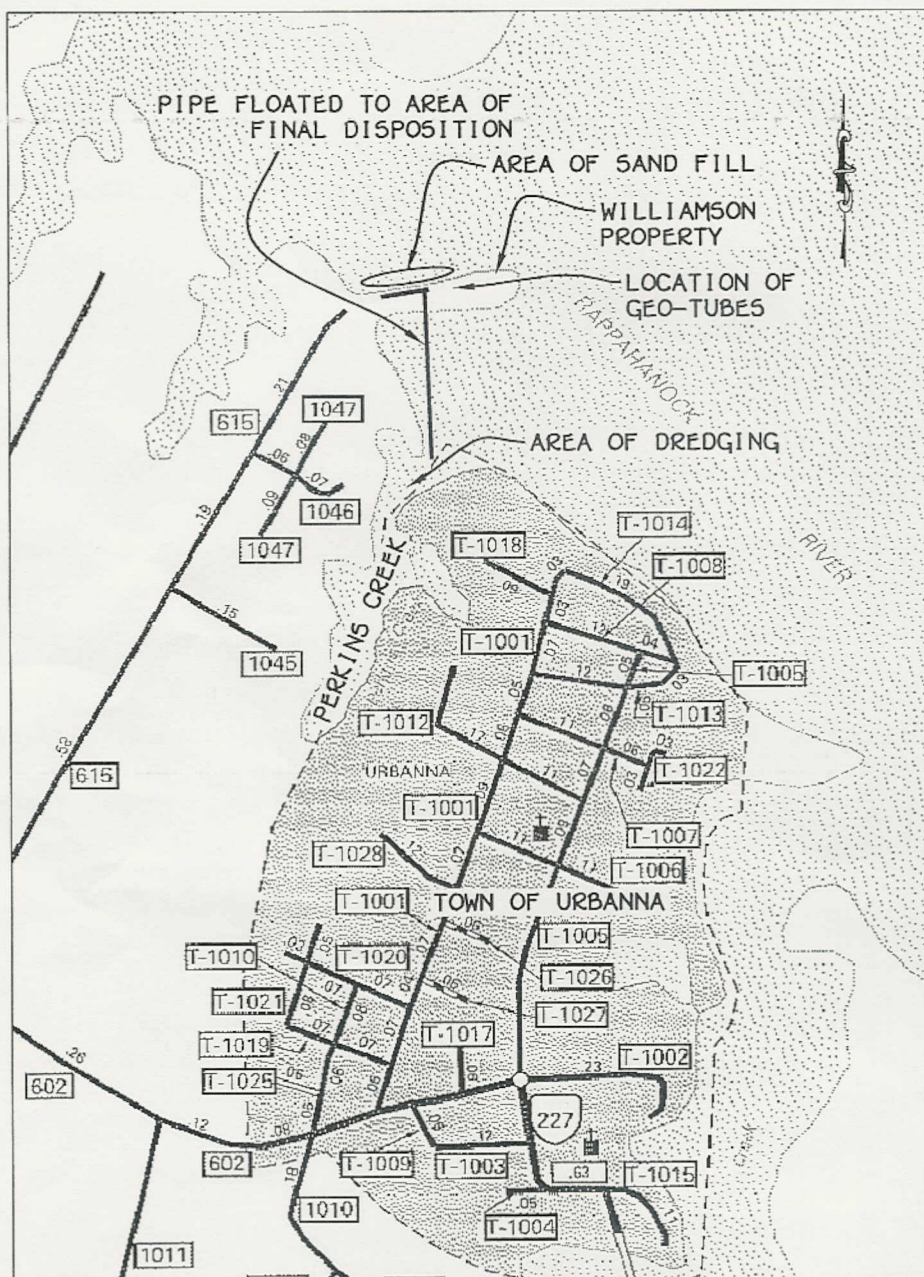
COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-REG), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on **April 21, 2008**.

If you have any questions about this project or the permit process, please call:
Mr. Adrian R. Jennings at (804) 435-9362

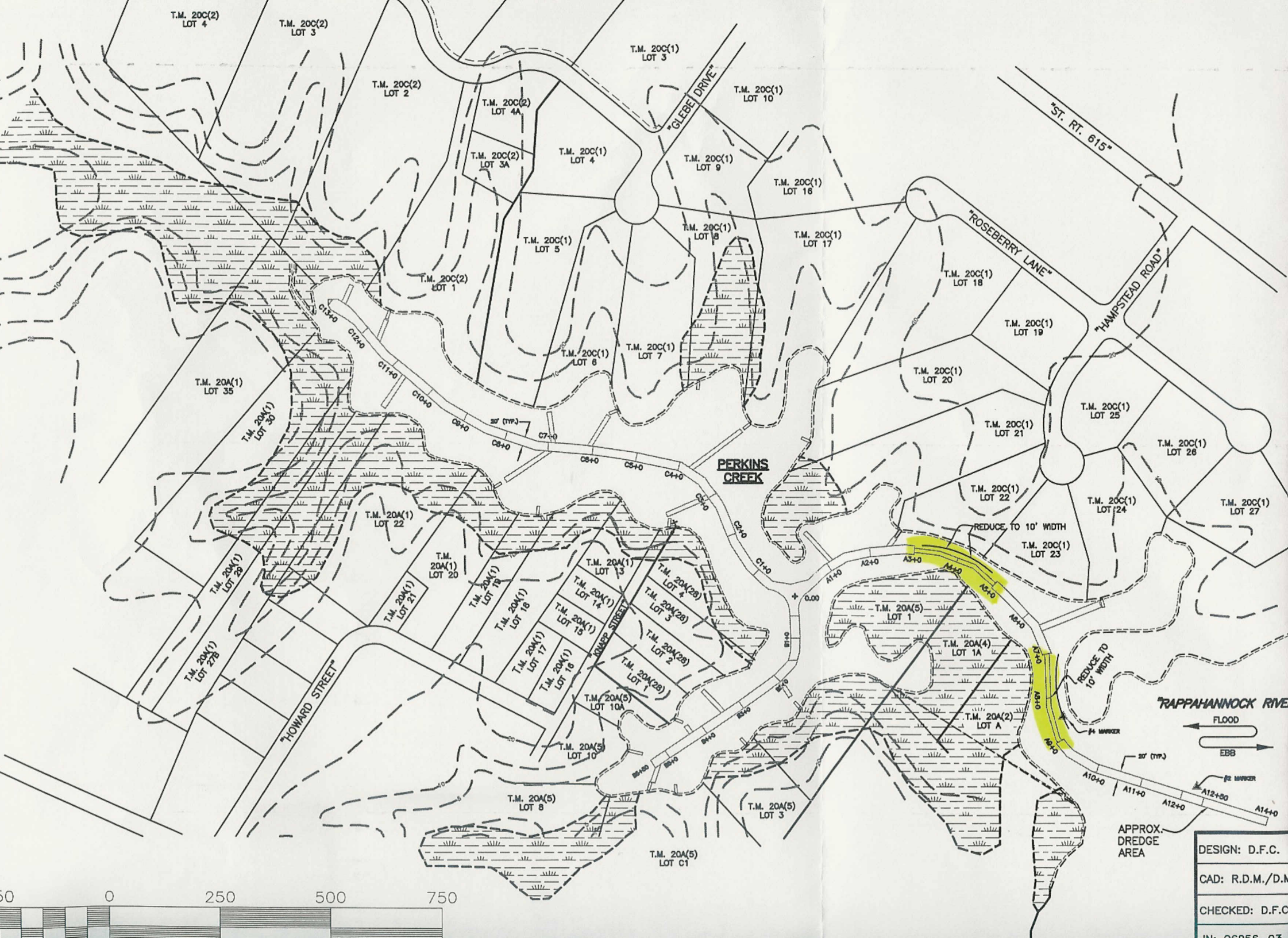
FOR THE DISTRICT COMMANDER:

Keith B. Lockwood
Chief, Northern Virginia
Regulatory Section

Attachment:
Drawings & Vicinity Map



VICINITY MAP
(1" = 1/4 MILE)



T.M. 20C(2)
LOT 4

T.M. 20C(2)
LOT 3

T.M. 20C(2)
LOT 2

T.M. 20C(1)
LOT 3

T.M. 20C(1)
LOT 10

T.M. 20C(2)
LOT 4A

T.M. 20C(2)
LOT 3A

T.M. 20C(1)
LOT 4

T.M. 20C(1)
LOT 9

T.M. 20C(1)
LOT 16

T.M. 20C(1)
LOT 5

T.M. 20C(1)
LOT 8

T.M. 20C(1)
LOT 17

T.M. 20C(2)
LOT 1

T.M. 20C(1)
LOT 6

T.M. 20C(1)
LOT 7

T.M. 20C(1)
LOT 18

T.M. 20C(1)
LOT 19

T.M. 20C(1)
LOT 20

T.M. 20C(1)
LOT 25

T.M. 20C(1)
LOT 26

T.M. 20C(1)
LOT 27

T.M. 20C(1)
LOT 21

T.M. 20C(1)
LOT 24

T.M. 20C(1)
LOT 23

T.M. 20A(1)
LOT 22

T.M. 20A(1)
LOT 20

T.M. 20A(1)
LOT 19

T.M. 20A(1)
LOT 18

T.M. 20A(1)
LOT 17

T.M. 20A(1)
LOT 16

T.M. 20A(1)
LOT 15

T.M. 20A(1)
LOT 14

T.M. 20A(1)
LOT 13

T.M. 20A(1)
LOT 12

T.M. 20A(1)
LOT 11

T.M. 20A(1)
LOT 10A

T.M. 20A(5)
LOT 10

T.M. 20A(5)
LOT 8

T.M. 20A(5)
LOT C1

PERKINS
CREEK

RAPPAHANNOCK RIVER

FLOOD

EBB

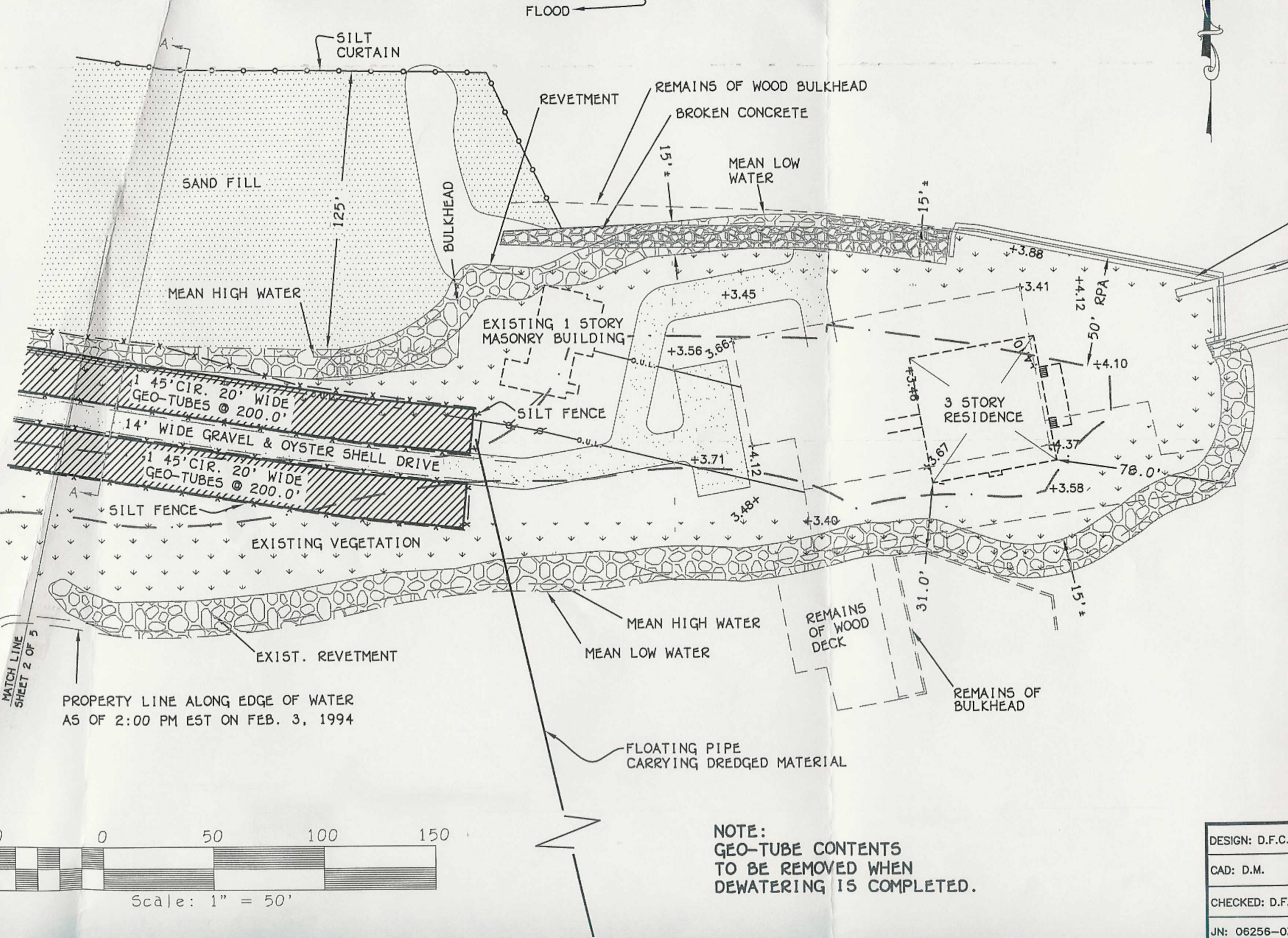
APPROX.
DREDGE
AREA

DESIGN: D.F.C.

CAD: R.D.M./D.M.

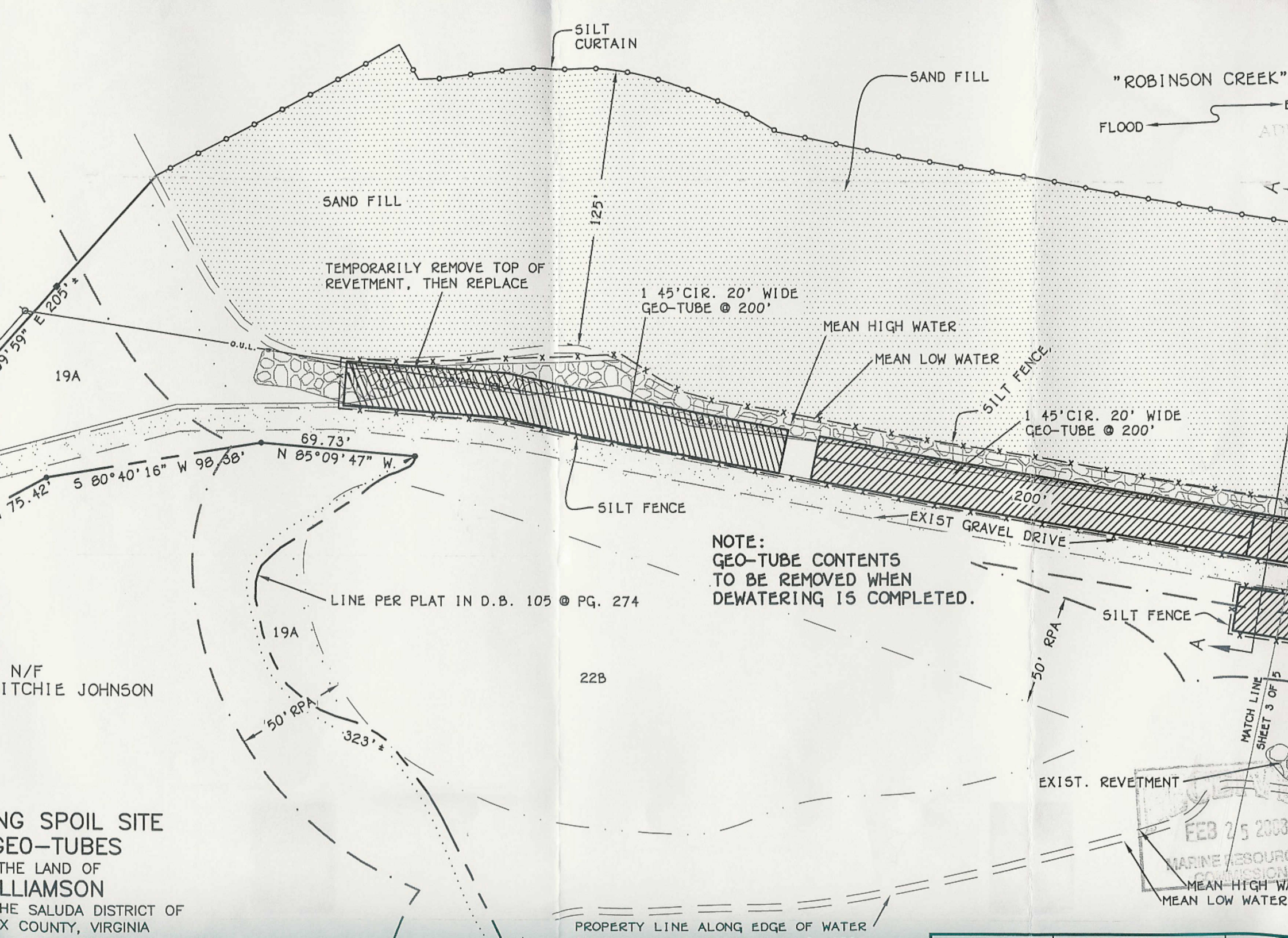
CHECKED: D.F.C.

IN: 06055



NOTE:
GEO-TUBE CONTENTS
TO BE REMOVED WHEN
DEWATERING IS COMPLETED.

DESIGN: D.F.C.
CAD: D.M.
CHECKED: D.F.
JN: 06256-



SILT CURTAIN

SAND FILL

"ROBINSON CREEK"
FLOOD

SAND FILL

TEMPORARILY REMOVE TOP OF
REVTMENT, THEN REPLACE

1 45' CIR. 20' WIDE
GEO-TUBE @ 200'

MEAN HIGH WATER

MEAN LOW WATER

SILT FENCE

1 45' CIR. 20' WIDE
GEO-TUBE @ 200'

SILT FENCE

EXIST GRAVEL DRIVE

NOTE:
GEO-TUBE CONTENTS
TO BE REMOVED WHEN
DEWATERING IS COMPLETED.

LINE PER PLAT IN D.B. 105 @ PG. 274

SILT FENCE

N/F
ITCHIE JOHNSON

NG SPOIL SITE
GEO-TUBES
THE LAND OF
WILLIAMSON
THE SALUDA DISTRICT OF
X COUNTY, VIRGINIA

22B

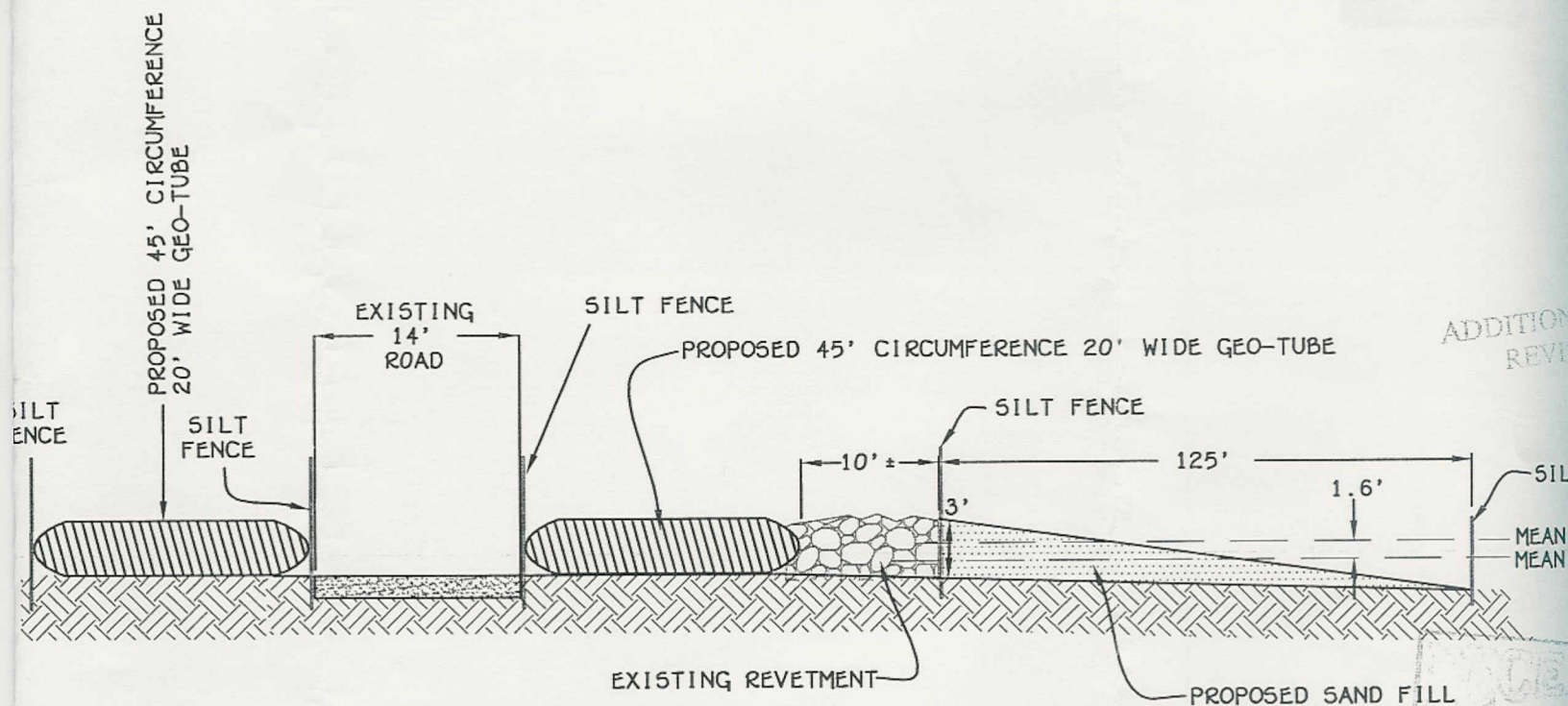
50' RPA

EXIST. REVTMENT

MATCH LINE
SHEET 3 OF 5

FEB 25 2003
MARINE RESOURCE
COMMISSION
MEAN-HIGH W
MEAN LOW WATER

PROPERTY LINE ALONG EDGE OF WATER



SECTION A-A
(NO SCALE)

NOTE:
GEO-TUBE CONTENTS
TO BE REMOVED WHEN
DEWATERING IS COMPLETE

**DREDGING SPOIL SITE
& GEO-TUBES**
ON THE LAND OF
WILLIAMSON
LOCATED IN THE SALUDA DISTRICT OF
MIDDLESEX COUNTY, VIRGINIA
SCALE: 1" = 50' DATE: OCTOBER 7, 2007
REVISED: FEBRUARY 15, 2008

DESIGN: D.F.C.	RICHMOND OFFICE 9415-A ATLEE COMMERCE BLVD ASHLAND, VIRGINIA 23005 804-550-4855 (F) 804-550-4857
CAD: D.M.	MIDDLE PENINSULA OFFICE BUSINESS ROUTE 17 N. BOX 509 SALUDA, VIRGINIA 23149 804-758-5678 (F) 804-758-5920
CHECKED: D.F.C.	TIDEWATER OFFICE 7307 MARTIN STREET BOX 895 GLOUCESTER, VIRGINIA 23061 804-693-2993 (F) 804-693-5596
JN: 06256-03	
FILED: 06256SPSITE	



Engineering Su

SHEET